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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/423,004	01/31/2000	MATTI LINKO	2534-00053	6225

7590 04/24/2002
ANDRUS SCEALES STARKE & SAWALL
100 EAST WISCONSIN AVENUE
SUITE 1100
MILWAUKEE, WI 53202

EXAMINER

SHERRER, CURTIS EDWARD

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 04/24/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

21
Appl i cation No.

09/423,004

Applicant(s)

LINKO ET AL.

Examiner

Curtis E. Sherrer

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 October 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite because they do not recite the steps in a positive manner, e.g., passing rather than passed.

The claims are indefinite because they recite the phrase “characterized in that” rather than conventional claim phrasing, i.e., “comprising,” “consisting” or “consisting essentially.”

Claim 1 is indefinite because the scope of the phrases “mainly consists of wooden particles” and “similar particles” is unknown.

Claim 2 is indefinite because the scope of the phrase “chip like or stick like particles or particles shaped like any regular or irregular bodies” is unknown. Claim 2 is indefinite because it is not clear whether it is limited by the phrase “advantageously 2 – 20 mm.”

Claim 7 is indefinite because it is not clear whether it is limited by the phrase “preferably 5 – 20 °C.” Claims 8-11 and 14 are indefinite for similar reasons.

Claim 10 is indefinite because it is not clear where in the process the regeneration occurs, i.e., before or after the

Claim 13 is indefinite because the scope of the phrase “similar particles” is unknown.

Claim 14 indefinite because the scope of the phrase “chip like or stick like particles or particles shaped like any regular or irregular bodies” is unknown. Claim 14 is indefinite because it is not clear whether it is limited by the phrase “advantageously 1 – 50 mm.”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pajunen et al. (U.S. Pat. No. 4,915,959)(hereinafter Pajunen) in view of The Practical Brewer (pages 246-48).

Pajunen teaches a method of maturation or lagering of beer whereby the beer is matured after heating and cooling the beer, and then continuously treated in a column containing immobilized yeast to lower the diacetyl levels. (Abstract). While the patent broadly states the use of a carrier, the carrier of choice for the reaction column is a DEAE

cellulose resin.” (Col. 3, lines 22-39). Pajunen teaches that “immobilized yeast cells are present in a cell density of about 10^5 to about 10^{10} yeast cells per gram of carrier” and this amount is considered to read on claim 7. (Col. 3, lines 29-33). The flow rate is taught to be the same as claimed in claim 8. (Col. 3, lines 36-38).

The Practical Brewer teaches the well known use of wood chips in the fermentation of beer. Beechwood chips (deciduous chips) are added after they have been washed and sterilized. (Page 248, first full paragraph). The use of the “chips increase the surface area, thereby allowing more complete fermentation with flocculent yeasts. They also slow the mixing of the krausen beer with the fermented beer, which results in more complete end fermentation and certain flavor effects.” The temperature of this stage occurs at 6-9 C. (Page 247).

It would have been obvious to those of ordinary skill in the art to use the wood chips of the Practical Brewer in the process of Pajunen because they provide for the benefits quoted above.

As to the size of the chips, it is taught that they are 4 inches wide, i.e., on the order of 100 mm.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis E. Sherrer whose telephone number is 703-308-3847. The examiner can normally be reached on Tuesday-Friday, 8AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-305-3602 for regular communications and 703-305-3602 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

0661

A handwritten signature in black ink, appearing to read 'Curtis E. Sherrer', written over a horizontal line.

Curtis E. Sherrer
Primary Examiner
April 22, 2002